United Nations S/2009/424

Security Council

Distr.: General
19 August 2009

Original: English

Report by the Secretary-General concerning the credentials of the alternate representative of the United States of America on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 18 August 2009 from the Representative of the United States Mission to the United Nations stating that Mr. James E. Donegan has been appointed alternate representative of the United States of America on the Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

09-48560 (E) 190809

Please recycle

United Nations S/2009/425

Security Council

Distr.: General
18 August 2009

Original: English

Letter dated 18 August 2009 from the Secretary-General to the President of the Security Council

I have the honour to refer to your letter dated 4 August 2009 concurring with my proposal to appoint Professor Bakhtiyar Tuzmukhamedov as a permanent judge of the International Criminal Tribunal for Rwanda (S/2009/404).

I have received a corresponding letter from the President of the General Assembly. Accordingly, I have appointed Professor Bakhtiyar Tuzmukhamedov as a permanent judge of the International Criminal Tribunal for Rwanda, effective 18 August 2009 until 31 December 2010, or until the completion of the cases to which he will be assigned if sooner.

(Signed) **Ban** Ki-moon

09-48596 (E) 200809

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United Nations S/2009/426

Security Council

Distr.: General
19 August 2009

Original: English

Report by the Secretary-General concerning the credentials of the alternate representative of the United States of America on the Security Council

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a note verbale dated 18 August 2009 from the Representative of the United States Mission to the United Nations stating that Ms. Mary E. McLeod has been appointed alternate representative of the United States of America on the Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

09-48752 (E) 200809

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United Nations S/2009/427

Security Council

Distr.: General
21 August 2009

Original: English

Letter dated 17 August 2009 from the Acting Chairman of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities reflecting its position on the recommendations contained in the ninth report of the Analytical Support and Sanctions Monitoring Team (S/2009/245).

I should be grateful if the attached report could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Christian **Ebner**
Acting Chairman
Security Council Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities

09-49084 (E) 010909

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Recommendations contained in the ninth report of the Analytical Support and Sanctions Monitoring Team: position of the Committee

I. Introduction

1. Having completed a thorough analysis of the ninth report of the Analytical Support and Sanctions Monitoring Team (S/2009/245, enclosure),[1] the Committee established pursuant to resolution 1267 (1999) concerning Al-Qaida and the Taliban and associated individuals and entities would like to bring to the attention of the Security Council its position on a number of the recommendations contained therein.[2] Some recommendations have been found to be very relevant for the future work of the Committee; others are addressed to Member States to help them implement the sanctions measures (assets freeze, travel ban and arms embargo) decided by the Council. Some recommendations could be useful for the Council itself when considering future resolutions.

2. The Committee highly appreciates the continued efforts of the Monitoring Team to identify ways to further strengthen the sanctions regime and to improve the implementation of the measures. The Committee therefore believes that many of the recommendations should be brought to the attention of the wider membership.

3. In an effort to build on the enhancements to the sanctions regime contained in Security Council resolution 1822 (2008), the Committee placed particular focus on the recommendations aimed at improving the fairness and transparency of the Committee's procedures, as well as on those recommendations aimed at enhancing the rapid dissemination of information required for effective implementation of the measures.

II. The Consolidated List and narrative summaries of reasons for listing

4. **Legal challenges to the regime at the regional and Member State level.** The Committee generally agrees that if a listed individual or entity can demonstrate to the satisfaction of a court that some element of a narrative summary of reasons for listing is incorrect, the State defending the action should be encouraged to forward this information to the Committee. The Committee would then consider taking action on the basis of this information (para. 23).

5. **Listing procedures.** The Committee is of the view that the entries on the List should include the most complete and accurate information possible in order to facilitate implementation by Member States. It therefore encourages its 15 members to add, if possible, further reasons for listing or identifying information when

[1] The report submitted to the Committee on 28 February 2009 in accordance with resolution 1822 (2008) was transmitted to the Security Council on 11 May 2009 and subsequently issued as a document of the Council (S/2009/245).

[2] This is the seventh written report of the Committee to the Security Council on the reports of the Monitoring Team. Earlier reports of the Monitoring Team and reports on the Committee's position on the recommendations can be found on the Committee's website (www.un.org/sc/committees/1267/index.shtml).

considering listing submissions. In order to implement this recommendation, the Chairman of the Committee will explicitly invite Committee members to provide additional information regarding listing requests during the period those requests are being considered by the Committee (para. 26).

6. **The review process for the Consolidated List.** The Committee supports the recommendation to value relevant opinions of courts that have carefully evaluated reasons for listing. The Committee therefore invites Member States to transmit to it relevant court decisions so that the Committee can take such opinions into account when reviewing the corresponding listing. In this connection, the Committee notes that some Member States have already submitted such court decisions as part of their communications to the Committee. The Committee also endorses the recommendation to task the Monitoring Team to gather relevant information from all parties concerned when, in the course of the review pursuant to resolution 1822 (2008), designating States and States of residence and nationality disagree on the continued appropriateness of the listing, or to seek more details when the information provided is vague (paras. 29 and 30).

7. **The procedures for evaluating de-listing requests.** The Committee generally supports this recommendation and will — when it is unable to accede to a de-listing request — submit an appropriate response to the Focal Point for De-listing, or to the Permanent Mission of the relevant State, and ask the Focal Point for De-listing or the Permanent Mission to convey that response to the individual or entity concerned. The Committee also endorses the recommendation to task the Monitoring Team, within the Team's existing mandate, to collect additional information from States or clarify aspects of the de-listing request with the individual, entity or State that has submitted it and submit a report to the Committee (paras. 31 and 32).

8. As regards de-listing requests concerning listed Taliban individuals in Afghanistan, the Committee encourages the Monitoring Team to establish a dialogue with the Afghan authorities and to continue to advise and assist them without referring to any specific criteria for de-listing. In this context, the Committee will ask the Monitoring Team to update the Committee on information received by the Afghan authorities, especially concerning the issue of de-listing requests for Taliban individuals (para. 33).

9. **Broader challenges to the regime.** The Committee generally agrees that more should be done to clarify that the measures targeting listed persons are meant to be preventative rather than punitive. In this context, the Committee recognizes the importance of highlighting the available exemptions to the measures and the procedures for seeking them (para. 34).

10. **Improving the Consolidated List to reflect a targeted and preventative sanctions regime.** The Committee generally supports the Monitoring Team's recommendation that the Consolidated List remain as targeted and actionable as possible. The Committee notes that the review it is currently conducting pursuant to paragraph 25 of resolution 1822 (2008) is intended to ensure that the list is dynamic, up to date and targeted at those who pose a threat to international peace and security. Entries with insufficient identifiers have an adverse effect on the overall credibility of the List and, more importantly, on those individuals who find themselves subject to sanctions because they have a name similar to an entry on the List but, owing to the incompleteness of that entry, cannot demonstrate irrefutably

that they are not the intended target. The Committee therefore encourages States, in cases where a list entry lacks sufficient identifiers, to provide additional information sufficient for positive identification or to consider submitting a de-listing request (paras. 35-37).

11. **Enhancing the timely distribution of the latest version of the List.** The Committee fully agrees that all national departments and agencies that have a role to play in the implementation of the measures should make a clear reference on their website to the Al-Qaida/Taliban sanctions regime and the List and should add, wherever possible, a link to the website of the Committee. Member States are encouraged to establish hyperlinks to the official version of the List on the websites of all relevant ministries and agencies, including those in the areas of finance and immigration (para. 38). The Committee supports the recommendation that all States, in conformity with applicable legislation, make use of the Committee's website to access the most up-to-date version of the List and thus ensure that sanctions are applied to new listings in a timely manner. In particular, the Committee encourages States to authorize their financial institutions and other relevant bodies to check the electronic version of the List for changes so as to ensure quick and accurate implementation. In addition, the Committee recommends that States exercise caution in maintaining any separate version of the Committee's List due to the risk of mistakes (para. 40).

12. **Handling requests for information.** To address follow-up queries by sanctions implementers on existing entries, the Committee agrees with the recommendation to encourage States to appoint a national enquiry or contact point for the Al-Qaida/Taliban sanctions regime that could allow for speedy clarification concerning entries on the List or issues relating to the implementation of sanctions. Such a national contact point should have easy access to the Committee and the Monitoring Team (para. 41). Furthermore, the Committee is of the view that exchanges of information between States and other relevant parties, such as the International Criminal Police Organization (INTERPOL), aimed at resolving questions regarding the identity of a listed individual could be facilitated if States indicated in their listing requests whether the Committee could share their identity as a designating State with authorized parties without further consultation. The Committee will therefore consider including, in a revised cover sheet for listing, an option that allows States to signal their willingness to have their identity shared with specific relevant parties (para. 53).

13. **The Taliban section of the List.** The Committee considers it appropriate for the Monitoring Team to work with relevant States, the United Nations Assistance Mission in Afghanistan (UNAMA) and the United Nations Office on Drugs and Crime to analyse the interface between the drug trade and financial flows to the Taliban and to identify key figures that are associated with the Taliban in this way, as well as individuals and businesses established by the Taliban to manage their cash flows, so as to allow the Committee to consider their designation for listing. The Committee wishes to underscore that States should promptly submit listing requests for any individuals and entities that meet the criteria set out in the relevant resolutions (para. 43).

14. **Deceased people on the List.** In the interest of the credibility and effectiveness of the List, the Committee agrees on the importance of keeping under review listed individuals who are reported to be dead. Acknowledging the

importance of addressing the issue of deceased persons included in the List, the Committee decided to undertake a review of deceased persons in the framework of the review pursuant to paragraph 25 of resolution 1822 (2008). In the course of the review, any member of the Committee or the Chairman in his/her national capacity can consider submitting de-listing requests (para. 44).

15. **Narrative summaries.** The Committee fully endorses the recommendation to delete from its website the corresponding narrative summary when it decides to remove an entry from the List and will immediately implement this practice. Furthermore, the Committee intends to address the issue of removing from its website all references to individuals and entities that have been de-listed. In this connection, the Committee notes that the recommendation to update narrative summaries whenever an entry is reviewed, and whenever appropriate, is already being implemented.

III. Assets freeze

16. **Integrating the international effort.** Noting that compliance with the Al-Qaida/Taliban sanctions regime is now an integral part of the mutual evaluation reports compiled by the Financial Action Task Force (FATF), FATF Style Regional Bodies (FSRB), the World Bank and the International Monetary Fund (IMF), the Committee fully endorses the recommendation to encourage these and other bodies, including the Organization for Economic Cooperation and Development (OECD) and the Egmont Group of Financial Intelligence Units, to introduce hyperlinks on their websites to the Committee's website (paras. 56-57).

17. **Helping States to identify and deal with terrorist financing.** The Committee agrees on the importance of promoting the timely identification of Al-Qaida and Taliban financiers and their activities and therefore supports the recommendation to carry out, in coordination with the Monitoring Team, the Counter-Terrorism Committee (CTC) and its Executive Directorate (CTED), the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime and other relevant international organizations, a survey of current practices and to consult with States and offer advice at States' request on how to enhance cooperation between law enforcement agencies and counter-terrorism units (para. 61).

18. **The private sector.** The Committee has taken note of the concern expressed by many financial institutions that they should not be subject to penalties as a result of their implementation in good faith of the sanctions measures. In this connection, the Committee notes that the Security Council, as it considers a new resolution subsequent to resolution 1822 (2008), may wish to take into account the possibility of directing States to provide adequate legal protection to financial institutions so as to promote effective implementation of the assets freeze (para. 67).

19. In addition, the Committee generally supports the recommendation that would allow financial institutions to avoid entering certain one-word alias identifiers into their primary filters for searching the List. In this connection, the Committee draws the attention of Member States to the possibility of allowing their financial institutions to disregard identifiers that have been defined on the List as being "low quality" primary search terms in order to avoid numerous false positives. The Committee would like to note that this problem will be addressed through the design of a new format for the List by the Committee and the Monitoring Team (para. 69).

20. **Unregulated cash transfers.** The Committee agrees that in many parts of the world cash transfers, especially through *hawaladars* and other alternative remittance systems, are an essential part of the economy. The Committee therefore encourages States to ensure that *hawaladars* implement the same due diligence rules that govern the formal sector, check names against the List and submit suspicious activity reports. In this regard, FATF Special Recommendation VI on alternative remittances might be useful to some States (paras. 62 and 63).

IV. Travel ban

21. **Obstacles to effective implementation.** The Committee shares the view of the Monitoring Team that listings containing few identification details are an obstacle to effective implementation and can lead to mistakes or affect unintended individuals. The Committee therefore calls upon INTERPOL to inform it when an individual has been mistakenly prevented from crossing a border based on an INTERPOL-United Nations Security Council special notice so that the relevant special notices and related entries on the List can be improved. In line with its mandate to consider cases of possible non-compliance with the measures, the Committee will consider giving the Team additional authority, on a case-by-case basis, to seek out, collate, assess and verify information related to possible violations of the travel ban. The Committee wishes to note that all States engaged in reconciliation processes involving the travel of listed individuals should seek appropriate exemptions from the travel ban and should be ready to contact the Committee for clarification of any relevant issues related to de-listing (paras. 75 -77).

22. **Exemptions to the travel ban.** The Committee encourages States to update, where necessary, their national guidelines and regulations in accordance with the new section of the guidelines of the Committee on the procedures for applying for a temporary exemption from the travel ban (see sect. 11).

23. In the case of Committee authorized travel of a listed individual who is resident in a State of which he is not a national, the Committee would like to recommend that, upon completion of the travel, the State of residence should allow the individual to re-enter in accordance with national legislation (paras. 78 and 79).

24. **Identifying challenges to implementation of the travel ban.** The large numbers of travellers who cross borders and the many national agencies that are involved in the process have made it difficult for States to manage the flow securely without creating delays and disruptions. States that have not developed the capacity to make automated checks against all national and international stop lists are less likely to scrutinize documents used by listed individuals who try to hide in the crowd. The Committee therefore agrees with the Monitoring Team that the Committee should, in cooperation with CTC and their expert groups, provide tailored advice to consenting States and facilitate assistance to enhance their capacity to implement the travel ban. The Committee encourages all States that deem it relevant to consider conducting, in cooperation with the Counter-Terrorism Implementation Task Force (CTITF) Working Group on Integrated Assistance, assessments of their capacity to implement the travel ban and to consider submitting such assessments to the Committee if it is found that assistance with implementation is needed (paras. 80 and 81).

25. The Committee recalls that it has produced an information package on the sanctions regime (including the travel ban) that several international organizations have begun to use for briefing and training courses. The Committee has added this information package to the "useful documents" section of its website and encourages States to use the information package when training national officials who may have to deal with the implementation of the travel ban (para. 82).

V. Arms embargo

26. **Definition of the arms embargo.** The Committee is aware of the difficulties States are facing to prevent the indirect supply, sale or transfer of arms and related material, or military technical advice, assistance and training, to individuals who are members of listed entities but who are not listed themselves. The Committee, as a first step, wishes to clarify that compliance with the indirect provision obligation requires States to detect and identify non-listed individuals acting as part of a listed entity for the purposes of obtaining arms, related material or military technical advice. Furthermore, the Committee encourages States to share information about such individuals, including through INTERPOL (paras. 83 and 84).

27. **The situation in Afghanistan and Pakistan.** The Committee recognizes that the continuation of Taliban-associated insurgencies in Afghanistan and other parts of the region since 2002 suggests insufficient implementation of the arms embargo. The Committee therefore endorses the recommendation to try to determine whether States were unable to prevent the direct or indirect provision of arms and related material to Al-Qaida, the Taliban and their associates in the border areas of Pakistan and Afghanistan, whether from their territories or by their nationals outside their territories. The Committee intends to follow up on this recommendation in the framework of paragraph 32 of resolution 1822 (2008), in which the Committee was directed to identify possible cases of non-compliance and determine the appropriate course of action (para. 86).

28. **The situation in Somalia and the Horn of Africa.** Given the security and humanitarian impact of continued internal conflict in Somalia, the Committee fully agrees with the relevant recommendation of the Monitoring Team. It will remind States, in particular those of the region, of their responsibilities in relation to the Al-Qaida/Taliban arms embargo and the potential repercussions of non-compliance. The Committee also wishes to encourage relevant States to submit for inclusion in the List names of individuals and entities from the subregion that are associated with Al-Qaida (paras. 88 and 92).

29. **Children and armed conflict.** In light of the threat of recruitment of children by Al-Qaida and the Taliban and in accordance with resolution 1612 (2005), in which the Security Council urged United Nations entities to take appropriate measures to control, inter alia, the use and recruitment of children as soldiers, the Committee agrees with the recommendation to work with the Office of the Special Representative of the Secretary-General for Children and Armed Conflict to identify areas for possible cooperation (para. 95).

VI. Monitoring Team activities

30. **Cooperation with the Counter-Terrorism Committee and the 1540 Committee.** The Committee agrees that the issue of technical assistance is of common interest to CTC, the 1540 Committee and the Al-Qaida and Taliban Sanctions Committee and therefore fully subscribes to the recommendation that all three expert groups should develop, in cooperation with the CTITF Working Group on Integrated Assistance and for the consideration of their respective Committees, a common strategy that sets out a more comprehensive and coordinated approach to technical assistance by the three committees and their expert groups (paras. 101 and 104).

31. **Security Council and INTERPOL cooperation.** The Committee agrees that the narrative summaries of reasons for listing of relevant entries on the List should be added to the INTERPOL-United Nations Security Council special notices; the Committee also agrees that any delay between the Committee's decision to add a name to the List and the appearance of a corresponding special notice in the INTERPOL database should be minimized. The Committee has therefore asked the United Nations Secretariat, in coordination with the Monitoring Team, to work with INTERPOL to develop modalities by which the Committee, through its secretariat and Monitoring Team, would gain access to the INTERPOL I-24/7 secure police communications system (subject to the approval of the General Assembly of INTERPOL) in order to facilitate the speedy transfer of new information related to list entries and their accompanying narrative summaries for issuance as part of the special notices (paras. 107 and 110).

32. The Committee notes that the use of INTERPOL-United Nations Security Council special notices in conjunction with existing INTERPOL databases and regional and national databases can greatly facilitate implementation of the travel ban. Therefore, the Committee requests designating States, wherever possible, to provide passport details in their submissions so as to take full advantage of this facility (para. 108).

VII. Member State reporting

33. While the Committee strongly encourages States that have not yet done so to submit the implementation reports called for in Security Council resolution 1455 (2003), the Committee agrees that implementation is more important than reporting and, in line with the Monitoring Team's suggestion, expects the Team to continue to engage with non-reporting States individually or in regional or subregional groupings, and to further explore ways to assist those States, including through sanctions workshops.

VIII. Conclusion

34. The Committee would like to thank the Monitoring Team for its ninth report and its useful and forward-looking recommendations contained therein. The aim of the present report is to highlight those recommendations made by the Monitoring Team that the Committee found to be of particular relevance and/or which should be implemented on a priority basis. Some recommendations need further in-depth

analysis or conceptual development in order to be implemented in practical terms. The Committee looks forward to further input from the Monitoring Team in this regard.

35. In order to further enhance its dialogue with Member States, the Committee also wishes to encourage all States to share with the Committee their views and experiences in respect of implementing the sanctions measures at the national level, including by sending representatives to meet with the Committee pursuant to paragraph 30 of resolution 1822 (2008).

36. The Committee expresses its appreciation to the Monitoring Team for its comprehensive and high-quality report and for the valuable recommendations contained therein.

United Nations A/63/948–S/2009/428

General Assembly
Security Council

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24 August 2009

Original: English

General Assembly
Sixty-third session
Agenda item 21
Question of Cyprus

Security Council
Sixty-fourth year

Letter dated 19 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a letter dated 19 August 2009, addressed to you by Kemal Gökeri, Representative of the Turkish Republic of Northern Cyprus (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) Fazlı **Çorman**
Chargé d'affaires a.i.
Deputy Permanent Representative

09-49133 (E) 250809

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Annex to the letter dated 19 August 2009 from the Chargé d'affaires a.i. of the Permanent Mission of Turkey to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the letter dated 10 August 2009, addressed to you by the Greek Cypriot Chargé d'affaires a.i. and circulated as a document of the General Assembly and of the Security Council (A/63/939-S/2009/417), which yet again contains well-known allegations of violations of "international air traffic regulations and the national airspace of the Republic of Cyprus", and to bring to your kind attention the following:

As stated in our previous communications addressed to you, habitually repeated allegations by the Greek Cypriot side of so-called "airspace violations" are totally unfounded and are rejected in toto by our authorities. The present allegations do not merit a detailed reply as they are of a similar nature. However, I wish to emphasize, once again, that flights within the sovereign airspace and flight information region of the Turkish Republic of Northern Cyprus take place with the full knowledge and consent of the appropriate authorities of the State. The Greek Cypriot administration in South Cyprus has no jurisdiction or right of say over flights within the national airspace of the Turkish Republic of Northern Cyprus. Furthermore, it should be emphasized that allegations of so-called violations of air traffic regulations are invalid, as the civil aviation authority of the Turkish Republic of Northern Cyprus is the only competent authority to provide air traffic and aeronautical information services.

The Greek Cypriot administration should be reminded, once again, that its counterpart is, and has always been, the Turkish Cypriot side, not Turkey. I also deem it imperative to point out, once again, that the attitude demonstrated by the Greek Cypriot representatives in their constant repetition of false claims is nothing more than rhetoric, which unfortunately wastes the precious time and energy of the international community.

Lastly, I would like to put on record once again that the Turkish Cypriot side is ready and doing its best to achieve a settlement in the form of a new partnership that will be in the line with the established United Nations parameters and body of work. Bizonality, political equality of the two peoples, the equal status of the two constituent States and the continuation of Turkey's effective guarantee will constitute the parameters for a solution to the Cyprus problem. Removal of the existing isolations imposed on Turkish Cypriots and equal treatment of the two sides by the international community will surely contribute positively to the efforts towards reaching a comprehensive settlement in Cyprus.

I should be grateful if the present letter could be circulated as a document of the General Assembly, under agenda item 21, and of the Security Council.

(*Signed*) M. Kemal **Gökeri**
Representative
Turkish Republic of Northern Cyprus

United Nations A/63/949–S/2009/429

General Assembly
Security Council

Distr.: General
24 August 2009
English
Original: Arabic

General Assembly
Sixty-third session
Agenda item 15
The situation in the Middle East

Security Council
Sixty-fourth year

Identical letters dated 20 August 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations committed from 1 to 15 August 2009 (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-third session of the General Assembly, under agenda item 15, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

09-49242 (E) 250809 270809

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Annex to the identical letters dated 20 August 2009 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

Israeli violations, acts of aggression and other activities from 1 to 15 August 2009

Air violations

On 1 August 2009, between 1010 and 2225 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and heading north. It circled over the South and Riyaq before leaving over Naqurah.

On 2 August 2009:

- At 0735 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq and Baalbek before leaving at 1540 hours;
- At 2045 hours, two Israeli enemy warplanes circled over the Lebanese-Palestinian border and released decoy flares over Lebanese territorial waters, some 200 metres north of the line of buoys;
- At 0725 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq, Baalbek and the South before leaving at 0235 hours on 3 August 2009.

On 3 August 2009:

- Between 1048 and 1210 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over Alma al-Sha'b. They circled over all regions of Lebanon before leaving over Alma al-Sha'b;
- Between 0710 and 1525 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq, Baalbek and the South before leaving over Naqurah.

On 4 August 2009:

- Between 1150 and 1225 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Shikka. They proceeded south as far as Byblos (Jubayl), returned north as far as Batrun, then headed south before leaving over the sea off Naqurah;
- At 1425 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north as far as Nabatiyah and circled over the South and the Bekaa before leaving over Naqurah at 0410 hours on 5 August 2009.

On 5 August 2009:

- Between 1015 and 1130 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the Shab'a Farms. They proceeded north as far as Tripoli and then circled over all regions of Lebanon before leaving over Alma al-Sha'b;

– Between 1020 and 1150 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the Shab'a Farms. They proceeded north as far as Tripoli and then circled over all regions of Lebanon before leaving over Naqurah.

On 6 August 2009, between 0937 and 2105 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the southern regions before leaving over Alma al-Sha'b.

On 8 August 2009, between 1810 and 2325 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the Bekaa and Beirut before leaving over Naqurah.

On 9 August 2009, at 0810 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Beirut and the South before leaving over Naqurah at 0255 hours on 10 August 2009.

On 11 August 2009, between 0610 and 1115 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It proceeded north as far as Nabatiyah and then circled over the southern regions before leaving over Naqurah.

On 12 August 2009:

– Between 0710 and 2330 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq, Baalbek and the South before leaving over Rumaysh;

– Between 1035 and 1115 hours, eight Israeli enemy warplanes violated Lebanese airspace, entering over Rumaysh. They circled over all regions of Lebanon before leaving over Naqurah;

– Between 1045 and 1215 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Juniyah. They circled over all regions of Lebanon before leaving over Rumaysh.

On 14 August 2009:

– Between 1018 and 1050 hours, four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa and heading north. They circled over all regions of Lebanon before leaving over Alma al-Sha'b;

– Between 1020 and 1125 hours, two Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Naqurah and heading north. They circled over all regions of Lebanon before leaving over the sea;

– Between 1230 and 2300 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah and heading north-east. It circled over the southern regions and Beirut before leaving over Naqurah.

On 15 August 2009, between 0755 and 2000 hours, an Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the southern regions before leaving over Kafr Killa.

Sea violations

On 2 August 2009, at 2030 hours, the Israeli enemy army fired five flares over Lebanese territorial waters opposite Ra's al-Naqurah.

On 10 August 2009, at 2355 hours, in the open sea within occupied Palestinian territorial waters opposite Ra's al-Naqurah, an Israeli enemy gunboat directed a searchlight for three seconds towards Lebanese territorial waters.

Acts of aggression in the field

On 9 August 2009:

- At 1925 hours, from its position in the Zar'it barracks, the Israeli enemy directed a searchlight for three minutes towards the checkpoint at Tarbikha manned by troops of the Lebanese Army's Sixth Motorized Brigade;
- At 2220 hours, from its position in the Zar'it barracks, the Israeli enemy directed a searchlight for 20 seconds towards Lebanese territory.

On 10 August 2009, beginning at 2055 hours, an Israeli enemy patrol comprising one Humvee vehicle set out from Ghajar and headed into the interior. As it proceeded, the patrol constantly directed a strong searchlight towards the Lebanese Army's Maysat position and observation tower overlooking the Wazzani resort area, both of which are manned by the Twelfth Motorized Brigade. This exercise lasted until 2200 hours, whereupon the patrol withdrew to a position south of Abbasiyah.

On 11 August 2009, at 2035 hours, from its position in the Zar'it barracks, the Israeli enemy repeatedly directed a searchlight towards the checkpoint and position of the Lebanese Army's Sixth Motorized Brigade that are located in Tarbikha.

On 12 August 2009, at 1945 hours, from its position in the Zar'it barracks, the Israeli enemy directed a searchlight for five seconds towards the checkpoint and position of the Lebanese Army's Sixth Motorized Brigade that are located in Tarbikha. The enemy repeated the exercise for a period of 15 minutes at 2005 hours, targeting the same checkpoint.

On 13 August 2009:

- At 2003 hours, from its position in the Zar'it barracks, the Israeli enemy directed a searchlight for 29 minutes towards the Tarbikha checkpoint of the Lebanese Army's Sixth Motorized Brigade. The enemy then twice directed a searchlight towards the Balat position, shining it for a period of five seconds each time;
- From 2045 hours to 2116 hours, from its position in the Zar'it barracks, the Israeli enemy directed a searchlight, while emitting sounds from a loudspeaker, for three seconds towards the Tarbikha checkpoint in Lebanese territory.

On 14 August 2009, at 2010 hours, from its position in the Zar'it barracks, the Israeli enemy directed a searchlight for 20 seconds towards the Tarbikha checkpoint in Lebanese territory.

On 15 August 2009, from its position in the Zar'it barracks, the Israeli enemy directed a searchlight towards the Tarbikha checkpoint in Lebanese territory, as follows: 10 seconds at 0110 hours; 10 seconds at 2105 hours; five seconds at 2108 hours; and one minute at 2323 hours.

Other Israeli field activities

On 4 August 2009, at 1020 hours, from their position inside occupied Palestinian territory, opposite the Lebanese Army position at Mays al-Jabal, 30 Israeli enemy army troops were observed carrying out a reconnaissance mission using maps.

United Nations S/2009/430

Security Council

Distr.: General
24 August 2009

Original: English

First report of the Secretary-General pursuant to paragraph 3 of resolution 1859 (2008)

I. Introduction

1. The present report is submitted pursuant to paragraph 3 of Security Council resolution 1859 (2008), in which the Council requested me to report to the Council on a quarterly basis, with the first briefing no later than 31 March 2009 and with a written report on a semi-annual basis, on the activities of the Development Fund for Iraq and the International Advisory and Monitoring Board, including on progress made in strengthening financial and administrative oversight of the Development Fund.

II. Background

2. The Development Fund for Iraq established pursuant to resolution 1483 (2003) holds the proceeds of oil export sales from Iraq, as well as the transferred balances from the United Nations oil-for-food programme and other frozen Iraqi funds.

3. In 2003, the Security Council also decided that all export sales of petroleum, petroleum products and natural gas from Iraq shall be made consistent with prevailing international market best practices, to be audited by independent public accountants reporting to the International Advisory and Monitoring Board in order to ensure transparency, and all proceeds, except as provided in paragraph 4 below, from such sales shall be deposited into the Development Fund for Iraq until such time as an internationally recognized, representative Government of Iraq is properly constituted.

4. The Security Council further decided that 5 per cent of the proceeds referred to in paragraph 3 above shall be deposited into the Compensation Fund established in accordance with resolution 687 (1991).

5. The International Advisory and Monitoring Board, as the audit oversight body for the Development Fund for Iraq, was established to fulfil the mandate set forth in resolution 1483 (2003). That mandate has been subsequently extended under resolutions 1546 (2004), 1637 (2005), 1723 (2006), 1790 (2007) and 1859 (2008). By resolution 1859 (2008), the Security Council also extended the immunity of the petroleum and petroleum products and proceeds deposited in the Development Fund until 31 December 2009.

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6. The International Advisory and Monitoring Board has as its members representatives of the Secretary-General, of the Managing Director of the International Monetary Fund (IMF), of the Director General of the Arab Fund for Social and Economic Development, of the President of the World Bank and of the Government of Iraq. In addition, the Advisory Board continues to involve the Iraqi Board of Supreme Audit and the Committee of Financial Experts in its work to ensure continuity.

7. The International Advisory and Monitoring Board has met 25 times since December 2003, including twice in 2009. All documentation, including press statements, the minutes of all Board meetings, completed audit reports and key documents related to the mandate and operations of the Board continue to be available on its website (www.iamb.info).

8. From the time of the inception of the Development Fund for Iraq to 31 December 2008, the International Advisory and Monitoring Board has been informed that about $165.1 billion has been deposited in the Fund from the export sales of oil and oil products. $10.4 billion has also been deposited with the Development Fund from the balance of the oil-for-food funds held under escrow by the United Nations, and a further $1.5 billion has been deposited as proceeds from frozen assets.

9. In 2006, the Council of Ministers of Iraq established the Committee of Financial Experts to work alongside the International Advisory and Monitoring Board and take over the tasks of the Board in monitoring the Development Fund for Iraq upon the expiration of the Board's mandate. The Committee of Financial Experts is headed by the president of the Board of Supreme Audit and is responsible directly to the Council of Ministers. Since its inception, the Committee has been working closely with the Advisory Board and has attended all of its meetings. The Committee itself meets regularly and has increased its role in the follow-up to and implementation of recommendations contained in independent audit reports commissioned by the Advisory Board.

10. In April 2009, the Controller of the United Nations, Jun Yamazaki, my designated representative on the International Advisory and Monitoring Board, briefed the Council on the activities of the Development Fund for Iraq and the Advisory Board.

11. The issues covered in the present report were on the agendas of the meetings of the International Advisory and Monitoring Board held in Amman on 2 and 3 April and in Vienna on 22 and 23 July 2009, and reflect recent activities with regard to both the Board and the Development Fund for Iraq.

III. Recent activities with regard to the Development Fund for Iraq and the International Advisory and Monitoring Board

12. At the meeting in Amman, the International Advisory and Monitoring Board discussed the Security Council's request for briefings by IMF and World Bank representatives, pursuant to paragraph 4 of resolution 1859 (2008). It was reiterated that individual representatives on the Board should brief their respective organizations in their individual capacities, as had been the practice. IMF and the World Bank had responded accordingly to the Council request.

13. When the date of the end of the mandate, 31 December 2008, was approaching, the Chairman of the International Advisory and Monitoring Board addressed a letter dated 27 October 2008 to the Prime Minister of Iraq, Nuri Kamel al-Maliki, recommending that the Committee of Financial Experts take over the tasks that had been entrusted to the Board. In April 2009, the Board again wrote to the Prime Minister, reiterating its belief that the Committee was ready and able to take over the tasks currently entrusted to the Board.

14. I recognize the view of the International Advisory and Monitoring Board that the Committee of Financial Experts is ready to assume the oversight responsibilities and conduct competent and independent oversight of the Development Fund for Iraq. As the Security Council prepares to discuss this matter, including the mandate of the Development Fund for Iraq at the end of 2009, it will be important to ensure that a proper succession mechanism and process be considered.

15. The external auditor provided regular briefings on the progress of the 2008 audits to the International Advisory and Monitoring Board. The first draft audit report on the Development Fund for Iraq, to 31 December 2008, was reviewed by the Board at the April 2009 meeting, and the final audited report was reviewed at the July 2009 meeting in Vienna. The audit report has also been submitted to the Ministry of Finance and to the Iraqi Council of Ministers and made available to the public on the Board website and the website of the Committee of Financial Experts (www.cofe-iq.net).

16. The management letter on internal controls and the management letter for spending ministries for the period from 1 January to 31 December 2008, produced by the external auditor, are also posted on the Board website.

17. The audit continues to highlight key issues of concern regarding weaknesses in controls over oil extraction and use of the resources. Access to some ministries and regions had been delayed, but the issue was resolved through the intervention of the Committee of Financial Experts, and the fieldwork is now complete.

18. The audit also continues to be heavily qualified, and the Board expressed concerns that certain issues, including the continued non-deposit in the Development Fund for Iraq of cash sales of fuel oil by the State Oil Marketing Organization (SOMO), had not been resolved.

19. The Board has highlighted these concerns in publicly issued press releases and minutes of its meetings.

20. Recognizing the competence and capabilities of the Committee of Financial Experts, aided by the Board of Supreme Audit, the International Advisory and Monitoring Board has already entrusted much of the detailed follow-up and investigation of audit findings to the Committee. The representatives of the Government of Iraq, the Committee and the Board of Supreme Audit reported regularly to the Advisory Board on actions taken to follow up on outstanding audit recommendations.

21. The International Advisory and Monitoring Board remains concerned that one of its earliest recommendations from 2004 concerning oil metering remains incomplete. The external auditor's enquiries revealed that the overall metering system installation percentage was 33 per cent as at 31 December 2008. In the absence of an overall comprehensive system of controls over petroleum extraction,

the external auditor was not able to reconcile extracted petroleum with SOMO records of quantities received and quantities consumed internally. However, the external auditor has reconciled the petroleum quantities received by SOMO with petroleum export sales.

22. Oil experts from the Iraqi Ministry of Oil briefed the International Advisory and Monitoring Board on oil metering. Some progress has been made, including in commencing implementation of a code for fiscal and custody measurements for hydrocarbon fuels by the Ministry of Oil. However, much remains to be done before a fully operational control and measurement system over oil production, distribution and export sales can be comprehensively implemented. Indications from the Ministry of Oil point to implementation by 2011 at the earliest.

23. Prior to 31 December 2007, SOMO engaged in barter transaction with the Government of the Syrian Arab Republic and private companies for exports of petroleum and petroleum products. The value of the barter transactions with the Syrian Government as recorded by SOMO from inception until 31 December 2008 is $750,865, and the value of barter transactions with private companies from inception until 31 December 2008 is $348,815. I welcome the finding by the external auditor, KPMG, that no barter transactions took place during 2008.

24. In order to enhance the transparency and accountability of the Development Fund for Iraq, and taking into account the audit findings of the external auditor, the International Advisory and Monitoring Board called for the timely monthly publication of the Fund's financial statements on the website of the Committee of Financial Experts. The Board also called on the Committee to develop a realistic action plan and time frame to resolve the audit qualifications from KPMG in their audit opinion. The Board requested the Committee to report to it every other month on progress on those points; it is expected that such reports will be published on the websites of the Board and the Committee. The Board also urged the Committee to continue working expeditiously in supporting the necessary steps for the early passing in Parliament of laws and regulations concerning organization structures, job descriptions and internal control systems and the development of a time-bound action plan, endorsed by the Council of Ministers, to implement a comprehensive oil-measuring system.

25. I welcome the steps taken by the Committee of Financial Experts, in particular its proactive engagement with the Council of Ministers, which has led to Council directives that all ministries form working committees to address organizational and information systems issues raised by the Development Fund audits. The Committee will monitor progress by the ministries in implementing those directives, and the Board of Supreme Audit will be reporting to the Council of Ministers on the follow-up to a survey conducted by the Board of Supreme Audit that identified weaknesses in internal controls at the ministries.

26. I also welcome the detailed follow-up reports from both the Committee of Financial Experts and the Board of Supreme Audit which are published on the website of the International Advisory and Monitoring Board. Those reports note that progress is being made, but it is apparent that much remains to be done to fully implement the audit recommendations and strengthen the system of internal controls. The Advisory Board reiterated its earlier recommendation that the Government of Iraq intensify efforts to follow up on frozen Iraqi assets held abroad, including through considering the need for a separate entity to handle those efforts. I

note that the Committee of Financial Experts has approached the Iraqi Ministry of Finance on this matter.

27. The representative of the Committee of Financial Experts provided regular briefings to the International Advisory and Monitoring Board on Committee activities, the work programme and the coordination of work with the Board to enable a smooth handover of oversight responsibility from the Board by the end of 2009. The Committee has initiated the appointment process for the 2009 auditor as part of its action plan for 2009. The Board agreed that the 2009 audit should cover the period from 1 January to 31 December 2009, with an interim audit for the period 1 January to 30 June 2009. The interim audit will be undertaken under the high-level oversight of the Board and the final audit is expected to be undertaken under the full oversight of the Committee as the Board mandate is scheduled to have expired by that time. The Board approved the process and concurred with the recommendation of the Committee to proceed with the audits.

28. As a matter of priority, control systems need to be improved in key Iraqi agencies, including SOMO, and in the various Iraqi ministries. The International Advisory and Monitoring Board will work closely with the Committee of Financial Experts and the Government of Iraq to monitor and report on the progress made on strengthening financial and administrative oversight of the Development Fund for Iraq.

29. The Advisory Board noted that in 2008 the United States Attorney's Office issued press releases relating to the court proceedings resulting from the Volcker inquiry into the oil-for-food programme, indicating fines imposed on various companies and individuals involved. The fines imposed as a result of the court proceedings were to be deposited into the Development Fund, for which cheques were issued payable to the Fund. The external auditor confirmed that amounts totalling approximately $50 million, as a result of the court proceedings in the United States of America, were deposited in the Development Fund account during the 2008 financial year.

30. The next meeting of the International Advisory and Monitoring Board, with the participation of the Committee of Financial Experts, is tentatively scheduled for December 2009. The Committee will be meeting separately on a regular basis in the interim.

United Nations S/2009/431

Security Council

Distr.: General
27 August 2009

Original: English

Belgium, Croatia, France, Italy, Spain, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling all its previous resolutions on Lebanon, in particular resolutions 425 (1978), 426 (1978), 1559 (2004), 1680 (2006), 1701 (2006), 1773 (2007) and 1832 (2008), as well as the statements of its President on the situation in Lebanon,

Responding to the request of the Government of Lebanon to extend the mandate of UNIFIL for a new period of one year without amendment presented in a letter from the Lebanese Foreign Minister to the Secretary-General of 4 July 2009 and welcoming the letter from the Secretary-General to its President of 6 August 2009 (S/2009/407) recommending this extension,

Reaffirming its commitment to the full implementation of all provisions of resolution 1701 (2006), and aware of its responsibilities to help secure a permanent ceasefire and a long-term solution as envisioned in the resolution,

Calling upon all concerned parties to strengthen their efforts to implement all provisions of resolution 1701 (2006),

Expressing deep concern at all violations in connection with resolution 1701 (2006), in particular the latest serious violations highlighted in the Secretary-General's letter of 6 August 2009 and *emphasizing* the importance of the establishment between the Blue Line and the Litani River of an area free of any armed personnel, assets and weapons other than those of the Government of Lebanon and UNIFIL, and, to that end, encouraging further coordination between UNIFIL and the Lebanese Armed Forces,

Calling upon all parties concerned to respect the Blue Line in its entirety, including through Ghajar, and encouraging the parties to coordinate further with UNIFIL, to visibly mark the Blue Line,

Recalling the relevant principles contained in the Convention on the Safety of United Nations and Associated Personnel,

Commending the active role and dedication of the personnel of UNIFIL, notably of its Commander, and *expressing* its strong appreciation to Member States that contribute to UNIFIL and *underlining* the necessity that UNIFIL have at its disposal all necessary means and equipment to carry out its mandate,

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Recalling the request from the Government of Lebanon to deploy an international force to assist it to exercise its authority throughout the territory and *reaffirming* UNIFIL's authority to take all necessary action in areas of operations of its forces and as it deems within its capabilities, to ensure that its area of operations is not utilized for hostile activities of any kind and to resist attempts by forceful means to prevent it from discharging its mandate,

Welcoming the efforts of the Secretary-General to keep all peacekeeping operations, including UNIFIL, under close review and stressing the need for the Council to pursue a rigorous, strategic approach to peacekeeping deployments,

Calling upon Member States to assist the Lebanese Armed Forces as needed to enable it to perform its duties, in line with resolution 1701 (2006),

Determining that the situation in Lebanon continues to constitute a threat to international peace and security,

1. *Decides* to extend the present mandate of UNIFIL until 31 August 2010;

2. *Commends* the positive role of UNIFIL, whose deployment together with the Lebanese Armed Forces has helped to establish a new strategic environment in southern Lebanon, and welcomes the expansion of coordinated activities between UNIFIL and the Lebanese armed forces and encourages further enhancement of this cooperation;

3. Strongly *calls upon* all parties concerned to respect the cessation of hostilities and the Blue Line in its entirety and to cooperate fully with the United Nations and UNIFIL and to abide scrupulously by their obligation to respect the safety of UNIFIL and other United Nations personnel, including by avoiding any course of action which endangers United Nations personnel and by ensuring UNIFIL is accorded full freedom of movement within its area of operation;

4. *Urges* all parties to cooperate fully with the Security Council and the Secretary-General to achieve a permanent ceasefire and a long-term solution as envisioned in resolution 1701 (2006), and emphasizes the need for greater progress in this regard;

5. *Welcomes* the efforts being undertaken by UNIFIL to implement the Secretary-General's zero-tolerance policy on sexual exploitation and abuse and to ensure full compliance of its personnel with the United Nations code of conduct, requests the Secretary-General to continue to take all necessary action in this regard and to keep the Security Council informed, and urges troop-contributing countries to take preventive and disciplinary action to ensure that such acts are properly investigated and punished in cases involving their personnel;

6. *Requests* the Secretary-General to continue to report to the Council on the implementation of resolution 1701 (2006), every four months, or at any time as he deems appropriate;

7. *Welcomes* in this regard receiving as soon as possible the conclusions of the review of the operational capacity of UNIFIL, including the force structure, assets and requirements that will be conducted, as referred to in the Secretary-General's letter of 6 August 2009, during the coming months, in an effort to ensure, along with peacekeeping good practice, that the Mission's assets and resources are configured most appropriately to fulfil its mandated tasks;

8. *Stresses* the importance of, and the need to achieve, a comprehensive, just and lasting peace in the Middle East, based on all its relevant resolutions including its resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, and 1515 (2003) of 19 November 2003;

9. *Decides* to remain actively seized of the matter.

United Nations S/2009/432

Security Council

Distr.: General
26 August 2009

Original: English

Letter dated 25 August 2009 from the Chairman of the Security Council Committee established pursuant to resolution 1540 (2004) addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1540 (2004), I have the honour to inform you that the Committee has agreed to conduct an open meeting, as envisaged in its report on modalities for considering a comprehensive review of the status of implementation of resolution 1540 (2004) in accordance with paragraph 8 of resolution 1810 (2008) (S/2009/170).

The open meeting will be conducted with broad participation from 30 September to 2 October 2009. Member States, international, regional and subregional organizations and other entities have been invited to participate in the comprehensive review process and in the open meeting. Member States have been encouraged to share their views, if they consider it appropriate, on elements identified in document S/2009/170, and to provide them to the Committee, preferably before 28 August 2009.

I would appreciate it if you would bring the present letter to the attention of the members of the Security Council and have it circulated as a document of the Council.

(*Signed*) Jorge **Urbina**
Chairman
Security Council Committee established
pursuant to resolution 1540 (2004)

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United Nations A/63/952–S/2009/433

General Assembly
Security Council

Distr.: General
26 August 2009
English
Original: Russian

General Assembly
Sixty-third session
Agenda item 7
Organization of work, adoption of the agenda and allocation of items: reports of the General Committee

Security Council
Sixty-fourth year

Letter dated 24 August 2009 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the joint statement by the President of the Russian Federation, Mr. D. A. Medvedev, and the President of the State of Israel, Mr. S. Peres, of 18 August 2009 on the seventieth anniversary of the start of the Second World War and request that it be circulated as a document of the sixty-third session of the General Assembly, under agenda item 7, and of the Security Council (see annex).

(*Signed*) Vitaly **Churkin**

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Annex to the letter dated 24 August 2009 from the Permanent Representative of the Russian Federation to the United Nations addressed to the Secretary-General

Joint statement by the President of the Russian Federation, Dmitry Medvedev, and the President of the State of Israel, Shimon Peres, on the seventieth anniversary of the start of the Second World War

1 September 2009 will mark the seventieth anniversary of the start of the Second World War — the greatest tragedy in human history. The verdict of the Nuremberg Tribunal placed responsibility for the War on Nazi Germany, which unleashed unjustified and inhuman aggression against sovereign States, including the Soviet Union, and against all Jewish people.

The Nazi regime and its accomplices in various countries carried out systematic mass annihilation of people on the basis of race. We pay tribute to the millions and millions of Soviet men and women, soldiers and civilians, who died in the war against Hitlerism. While honouring their memory, we also express deep indignation at attempts to deny the immense contribution made by the Russian people and other peoples of the Soviet Union to the victory over Nazi Germany, and also to deny the crime of the Holocaust committed against European Jews and the genocide against them, which was finally halted by the Red Army and Allied troops.

Attempts to deny the Holocaust, to downplay the tragedy of the Holocaust and to erase it from history, and also to conceal the deaths and sufferings of millions of innocent victims of different nationalities, are a direct insult to the memory of all victims of the Second World War and of those who fought against fascism.

Such blasphemy is dangerous and absolutely unacceptable. We call upon all people of goodwill to say a decisive "no" to those who support the malicious rewriting of history and distort the tragic events and main outcome of the Second World War. Horrors such as those experienced by the wartime generations should not take place in the twenty-first century or ever again.

The Jewish and Russian peoples fought on the same side during the Second World War and stood together in the battle against Hitlerism and racism. Hundreds of thousands of Jews fought side by side with Russians and representatives of other peoples of the Soviet Union in the Red Army, which liberated concentration and death camps and played a vital role in the outcome of the war against Nazi Germany. Many of these Red Army heroes are now living in the Russian Federation, Israel and other States. We honour their courage and resolve. No attempt to rewrite history can diminish or obscure these self-evident facts.

United Nations S/2009/434

Security Council

Distr.: General
28 August 2009

Original: English

Report of the Secretary-General on children and armed conflict in Colombia

Summary

The present report has been prepared in accordance with the provisions of resolution 1612 (2005). It is presented to the Security Council and its Working Group on Children and Armed Conflict as the first country report for Colombia from the monitoring and reporting mechanism referred to in paragraph 3 of that resolution, which was formally established in Colombia in December 2008.

The report, which covers the period from January to December 2008 provides information on grave violations against children, such as killing and maiming, the recruitment and use of children in armed forces and groups, abduction of children, sexual violence against children, attacks on schools and hospitals, and denial of humanitarian access to children. The report stresses the priority of combating impunity for such grave violations. It also acknowledges the significant efforts and progress made by the Government of Colombia in the protection of children in this context.

The report contains a series of recommendations with a view to securing strengthened actions for the protection of children affected by armed conflict in Colombia.

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I. Introduction

1. Colombia is not on the country-specific agenda of the Security Council. However, in December 2008, the Government of Colombia voluntarily accepted the process relating to the implementation of Security Council resolution 1612 (2005), which includes the establishment of a United Nations-led monitoring and reporting mechanism. Pursuant to that decision, the country task force on monitoring and reporting was formalized in January 2009. In the preparation of the present report, consultations were undertaken with the Government of Colombia, in line with the terms of reference of the country task force on monitoring and reporting that were adopted in the framework of Security Council resolution 1612 (2005).

2. In accordance with Security Council resolution 1612 (2005), the present report does not seek to make any legal determination as to whether the situation in Colombia is or is not an armed conflict within the context of the Geneva Conventions and the Additional Protocols thereto, nor does it prejudge the legal status of the non-State parties involved in the situation.

II. Overview of political, military and social developments

3. Colombia is one of the long-standing democracies in Latin America and has enjoyed sustained economic growth and development. Nevertheless, almost 50 years of continuous conflict and the existence of powerful drug cartels represent a considerable challenge to governance and the respect of human rights. There has been an acute impact on the security of the population and the overall humanitarian situation. In this context, children remain among the most vulnerable sectors of the population.

4. According to the United Nations Office on Drugs and Crime, 60 per cent of global cocaine production originates in Colombia. The presence of illegal armed groups and criminal gangs is more prominent in areas with coca cultivation and in strategic corridors used for the commercialization of drugs. Children are often directly affected, being exploited in the cultivation of coca as "raspachines" (coca harvesters). Often, such cases are not reported to the authorities by the communities.

5. The Fuerzas Armadas Revolucionarias de Colombia-Ejército del Pueblo (FARC-EP), which has existed since the 1960s, is the largest and oldest guerrilla force in Colombia. Successive peace initiatives have been undertaken by the Government of Colombia, including the recognition of a FARC-EP inspired political party in 1984 and the establishment of a "negotiated peace process" from 1998 to 2002. From 1999 to 2005, the Secretary-General provided his good offices, and, upon their termination, the Secretary-General stated his willingness to consider resuming an active good offices role in the future, should the parties so request. In 2008, military successes against FARC-EP, a significant number of individual demobilizations and the death of several members of its Central Command Structure, including its leader and founder, had a severe impact on the military structure of FARC-EP.

6. The Ejército de Liberación Nacional (ELN) is the second largest guerrilla group. Direct peace talks with the Government were initiated in 2000. In 2005, the Government and ELN agreed on formal exploratory meetings. In 2006 and 2007, several meetings were held; however, no progress was registered in 2008.

7. Successive Colombian Governments have negotiated ceasefires and processes for the demobilization of several illegal armed groups. These include the Movimiento 19 de Abril, the Ejército Popular de Liberación, the Movimiento Armado Quintín Lame, the Partido Revolucionario de Trabajadores, the Corriente de Renovación Socialista and the Ejército Revolucionario Guevarista.

8. Violence and conflict have originated from the activities of the local self-defence vigilante groups formed to protect landowners from guerrilla attacks. In this context, such illegal armed groups continued to operate and expand throughout the country in the 1990s. In 1997, most of the groups merged into the Autodefensas Unidas de Colombia (AUC). The demobilization process of AUC took place from 2003 to 2006, leading to the demobilization of almost 32,000 people.

9. Within the context of a transitional justice process, the Justice and Peace Law (Law 975) was adopted in 2005 to regulate the procedures to be followed with demobilized members of illegal armed groups. Its implementation grants judicial benefits as an incentive provided that members of the groups acknowledge their participation in serious crimes. The law also provides for reparations to victims. The Law has been the subject of controversy concerning its effectiveness in combating impunity. Subsequent decisions of the Constitutional Court have revised several provisions of the Law to bring it more in line with relevant international standards of transitional justice.

10. Following the demobilization of AUC, and despite the considerable efforts made by the Government to reintegrate former combatants, a number of new illegal armed groups have emerged. The Government considers those groups as criminal gangs which are largely involved in illegal activities. The ranks of those groups include former members of paramilitary organizations, including children. The Organization of American States Mission to Support the Peace Process in Colombia estimates that at least 14 per cent of all Colombia's municipalities are currently affected by the presence of such groups. According to the Colombian National Police, as at December 2008, at least 16 such groups, with an estimated 2,000 members, were operating in 17 of the 32 departments of the country.

11. The groups are not homogeneous in terms of their motivation, structure or modus operandi. While many are dedicated only to common criminal activities, others operate in a manner similar to that of the former paramilitary organizations. Some of the groups have a military structure and chain of command and are capable of exercising territorial control and sustaining military-type operations, and they have a political and ideological orientation similar to the former AUC.

12. Despite the Government's efforts to strengthen security and the rule of law, conflict has had severe consequences on the human rights situation of the civilian population. Grave violations against children have been attributed to all parties, but mainly to illegal armed groups. Those groups continue to recruit children and commit crimes of sexual violence against women and girls, kill civilians, plant anti-personnel mines and carry out abductions. Violations by individual officials of the Colombian armed forces have also been reported, in clear contravention of Government policy.

13. The forced displacement of populations in Colombia is a major consequence of the high levels of violence. Causal factors include armed confrontations, murders, massacres and threats, the presence of anti-personnel mines, the recruitment of

children, sexual violence and denial of access to humanitarian and other supplies. Forced displacement has disproportionately affected certain population groups, including women and children. The Colombian Constitutional Court has noted that various sources indicate that up to 50 per cent of all displaced persons are under the age of 18.

14. My Representative on the human rights of internally displaced persons has indicated that the situation in Colombia is one of the most serious, with the country having the second largest population of internally displaced persons in the world. According to the Presidential Senior Adviser for Social Action of Colombia, from 1997 to December 2008, 2,935,832 persons were internally displaced, more than 1 million of them children. In 2008 alone, 243,343 persons were registered as internally displaced, approximately 30 per cent of whom were children. Significantly higher estimates are cited by non-governmental sources. It should be noted that this issue is a high priority for the Government of Colombia, and significant efforts have been undertaken to address the situation of forced displacement.

III. Grave violations of children's rights

A. Recruitment and use of children

15. In 1991, when Colombia ratified the Convention on the Rights of the Child, the Government entered a reservation on article 38 (which establishes the minimum age of recruitment into the armed forces at 15), since according to Colombian law, the minimum age of recruitment by the armed forces was already 18, except for voluntary recruitment. In 1999, the Government of Colombia prohibited, without exception, the recruitment of children under 18, three years before it ratified the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict.

16. However, the recruitment and use of children by illegal armed groups is widespread and remains a serious concern. In 2006, the Committee on the Rights of the Child expressed its concern about the large-scale of recruitment of children by illegal armed groups for purposes of combat and sexual enslavement. In October 2008, the Colombian Constitutional Court also stated that the recruitment of children was undertaken extensively, systematically and habitually by illegal armed groups in Colombia and that the true magnitude and scale of the territorial extension of the recruitment had not been brought to light. Estimates of the number of children participating in illegal armed groups range from 8,000, according to the Ministry of Defence, to 11,000 according to non-governmental sources. The Attorney-General's Office is investigating 25 cases of child recruitment that took place in 2008. A study undertaken by the Office of the Human Rights Ombudsman of Colombia and the United Nations Children's Fund (UNICEF) noted that the average age of recruitment had decreased from 13.8 years in 2002 to 12.8 years in 2006.

17. In 1999, FARC-EP made a commitment to my Special Representative for Children and Armed Conflict that it would not recruit children under 15 years of age. However, FARC-EP continues to recruit children, including girls. Reports received confirm the recruitment of children in 13 departments, namely Antioquia, Arauca, Bolívar, Caquetá, Cauca, Chocó, Guaviare, Nariño, Putumayo, Sucre,

Tolima, Valle del Cauca and Vaupés. For example, in January 2008, a 16-year-old child was recruited by FARC-EP in Tame, department of Arauca; and in May 2008, a group of 40 members of FARC-EP, half of them children between 13 and 17 years of age, were witnessed in the department of Cauca. In another case, a 16-year-old boy, who was recruited at the age of 12 by FARC-EP, was received by the Colombian Institute of Family Welfare in the department of Antioquia.

18. Children from particularly vulnerable groups, among them indigenous populations, are highly exposed to recruitment by FARC-EP, as confirmed in the departments of Cauca, Chocó and Nariño. In February 2008, FARC-EP recruited two 15-year-old indigenous girls in Toribío, department of Cauca. In March 2008, another 15-year-old indigenous girl was recruited by FARC-EP in the rural area of Pasto, department of Nariño.

19. Child recruitment campaigns by FARC-EP are known to have taken place in schools. Reports confirmed that in September 2008, FARC-EP forced their way into a school in the department of Cauca where 800 students were studying, and encouraged the children to join the group.

20. In July 1998, the Ejército de Liberación Nacional (ELN) signed an agreement with civil society representatives and members of the National Peace Council, in Mainz, Germany, in which ELN committed not to recruit children under the age of 16. Nonetheless, ELN has continued the recruitment of children. During the reporting period, confirmed reports indicate that ELN recruited children in the departments of Arauca, Cauca, Nariño and Norte de Santander. In August 2008, seven children who had been members of the group surrendered to the Army in Cumbal, Nariño.

21. ELN continues to carry out child recruitment campaigns in schools. In February 2008, ELN carried out such a campaign in a school in the department of Cauca. The school had apparently received financing from ELN in exchange for permission to deliver military training on the premises.

22. Confirmed reports indicate that illegal armed groups, such as Autodefensas Campesinas Nueva Generación, Aguilas Negras or Ejército Revolucionario Popular Antiterroista de Colombia, which emerged after the demobilization of AUC, are also recruiting children. For example, in March 2008, the recruitment of children by the Autodefensas Campesinas Nueva Generación in the department of Nariño was confirmed. In addition, children separated from AUC have been contacted by former AUC colleagues who offered them money and coerced them into joining other illegal armed groups.

23. In 2006, the Committee on the Rights of the Child expressed its concern regarding the use of children for intelligence purposes by the national armed forces. The Ministry of Defence has issued three directives prohibiting all members of the national armed forces from using children for intelligence purposes; however, some incidents continue to be documented. In February 2008, it was reported that the National Police had used a 12-year-old boy as an informant in the department of Valle del Cauca. Later, the boy received death threats from FARC-EP and was eventually killed by an unidentified assailant in December 2008.

24. Another issue of concern raised by the Committee is the interrogation by the military of children captured from or released by illegal armed groups and delays in handing them over to civilian authorities. By law, such children should be handed

over to civilian authorities within 36 hours after the separation of a child from the group. In March 2008, a child separated from FARC-EP was held at a military installation for five days, during which time he was interrogated on his activities in the armed group.

25. By its directive 500-2, issued in 2005, the Ministry of Defence established a mandate to develop strategies to prevent child recruitment by the national armed forces. However, there is a concern that those prevention activities, when undertaken in conflict-affected areas, may put children at risk and expose them to subsequent retaliation by members of illegal armed groups. The Head of the Public Ministry and the Committee on the Rights of the Child have recommended that the national army refrain from involving children in civic-military activities, such as study visits to military bases or military events at schools, as such involvement compromises the humanitarian law principle of distinction of the civilian population and places the children at risk of retaliation by members of illegal armed groups. During the reporting period, civic-military activities with children were undertaken by the Armed Forces in the departments of Antioquia, Cauca and Chocó.

26. As indicated in my report on children and armed conflict of 21 December 2007 (A/62/609-S/2007/757) and as recognized by the Colombian Constitutional Court, the recruitment of children and internal displacement are closely linked, as displacement often becomes the only alternative for families in certain areas to avoid the recruitment of their children by illegal armed groups. In 2008, there were consistent reports that threats of child recruitment caused the displacement of local populations in at least five departments, namely, Arauca, Nariño, Norte de Santander, Putumayo and Valle del Cauca. For example, in May 2008 in the department of Nariño, ELN entered a house to recruit a 16-year-old boy who managed to hide from the group. However, the family was forced to move the next day to avoid the recruitment of their child.

B. Killing and maiming of children

27. The killing and maiming of children remains a serious concern, but the determination of which deaths of or injuries to children are perpetrated by armed groups often presents a challenge. Out of the 819 cases of deaths of children reported by the Observatory of the Presidential Human Rights and International Humanitarian Law Programme in 2008, the perpetrators remained unidentified in 704 instances.

28. Cases of children killed by FARC-EP were reported in the departments of Antioquia, Guaviare, Huila, Meta, Nariño, Putumayo and Valle del Cauca. In April 2008, a 14-year-old girl was killed in the department of Antioquia, allegedly owing to her relationship with a member of the national armed forces. The girl was brutally tortured, with one of her hands cut off and one of her eyes gouged out before she was killed. ELN has also been responsible for the deaths of children, and three cases were confirmed in the departments of Arauca and Nariño. In December 2008, five persons, including a 15-year-old girl, were killed in Arauquita, department of Arauca.

29. There have also been cases of children being killed for refusing to join the illegal armed groups. In January 2008, FARC-EP attempted to recruit two brothers, aged 13 and 15, in the department of Putumayo. Upon their refusal to join the group, the guerrillas killed one boy by dousing him with gasoline and shooting him. The second boy was recruited against his will.

30. Indiscriminate attacks conducted by illegal armed groups against the civilian population have also affected children. In August 2008, FARC-EP set off an explosive device in the municipality of Ituango, department of Antioquia. As a result, 8 people were killed, among them 2 boys, and 52 were injured, including 10 children.

31. The deaths of children in combat continue to be reported. In March 2008, in the department of Norte de Santander, four children between the ages of 13 and 17 in the ranks of ELN were killed in combat.

32. Children have also been victims of crossfire between the national army and illegal armed groups. In August 2008, a five-year-old child was killed in a skirmish between the national army and FARC-EP inside a house in the municipality of San Pedro, department of Valle del Cauca. In September 2008, a one-year-old girl lost an eye as a consequence of being caught in a military action between the national army and FARC-EP in the department of Arauca.

33. Anti-personnel mines and unexploded ordnance have had serious consequences on the civilian population, including children. According to the Landmine Monitor Report of 2007, the number of casualties resulting from explosive remnants of war in Colombia was the highest in the world from 2005 to 2007. The Presidential Programme for Integrated Mine Action reports a cumulative total of 7,515 victims from 1990 to 2008, including 722 children. According to the same source, in 2008, 14 children (4 girls and 10 boys) were killed and 32 (5 girls and 27 boys) were wounded by such devices. In January, in the municipality of Palmira, department of Valle del Cauca, a woman and her 9-month-old daughter died when they stepped on an anti-personnel mine. The woman was five months pregnant. In June, in the municipality of Samaniego, department of Nariño, three boys aged 12, 14 and 16 died when they accidentally activated an anti-personnel mine. In July, in the department of Bolivar, three children were seriously injured, including a 9-year-old girl, who lost her leg.

34. In 2008, the magnitude of the problem of extrajudicial killings became publicly evident. According to the Attorney-General's Office, as of November 2008, among the 50 cases of extrajudicial executions under investigation that involve children, there are 51 child victims. Three of those cases took place in 2008, and additional information on presumed extrajudicial executions of two children was received in the departments of Antioquia and Norte de Santander. The case of the municipality of Soacha, which has been especially well-publicized, involved 11 persons, including a child, who disappeared near Bogota in January 2008. Their bodies were later displayed by the national army as unidentified members of illegal armed groups killed in combat in the department of Norte de Santander a few days after their disappearance.

35. Documentation suggests the existence of networks pretending to offer employment to victims in distant places where they are executed and presented as killed in combat. In October 2008, a transitional commission was established to carry out an administrative investigation and to analyse the problem of extrajudicial executions. As a result, the President decided to separate 27 national army officers from service. In addition, in order to reinforce the announced zero tolerance policy for human rights violations, the Ministry of Defence made public in November 2008 several measures to eliminate that practice.

C. Grave sexual violence against children

36. Sexual violence against children, particularly girls, remains vastly underreported in Colombia, as many victims fail to report abuses fearing retaliation or owing to a lack of confidence in State institutions. The Colombian Constitutional Court issued its order 092 in April 2008 as a follow-up to its judgement T-025, indicating that "sexual violence as well as the exploitation and sexual abuse is a habitual, extended, systematic and invisible practice in the context of the armed conflict perpetrated by the illegal armed groups, and in isolated cases, by individual agents of the national armed forces". The Court also indicated that in cases of sexual violence in the context of the conflict, "children account for an exceedingly high proportion of the total cases of known victims". Furthermore, the Court ordered the Attorney-General's Office to pursue investigations in 183 specific cases of sexual violence against women and girls. In addition, in 2008 the Office of the Human Rights Ombudsman released a special report on sexual violence in the context of the conflict, noting that there is "serious impact on the sexual and reproductive rights of the displaced population, particularly for women and children, the main victims of displacement".

37. There is no systemic information as to the number of cases of sexual violence against children perpetrated by illegal armed groups. In April 2008, two girls and a boy between the ages of 11 and 14 were recruited by FARC-EP. One of the girls was allegedly raped by members of the group. The other girl was returned to her family with the indication that she would be recruited once she turned 12 years old; as a result, the mother was forcibly displaced together with her other five children.

38. Girl members of the illegal armed groups are subjected to grave sexual violence. They are required to have sexual relations with adults at an early age and are forced to abort if they become pregnant. They are also forced to use methods of contraception that are often inadequate and harmful to their health. Of the girls interviewed for the study mentioned in paragraph 36, 31.2 per cent asserted that they had become pregnant and lost the foetus while with the illegal armed group. Of those adolescents, 40 per cent stated that they had been between 11 and 14 years of age when they became pregnant.

39. According to information provided by the Instituto Nacional de Medicina Legal y Ciencias Forenses, 5 girls and 3 boys were the victims of sexual violence allegedly perpetrated by the national military forces, and 18 girls and 1 boy were allegedly victimized by the national police during the reporting period. Information has also been gathered on a case in which two soldiers allegedly raped a woman and her 13-year-old niece in the department of Antioquia in November 2008.

D. Abduction of children

40. According to the Observatory of the Presidential Human Rights and International Humanitarian Law Programme, 75 children were abducted in 2008. Between 1996 and 2008, 287 children were documented as being held in captivity, 55 of them by illegal armed groups. Of those 55 children, 29 are being held by FARC-EP, 9 by ELN and the remainder by other groups. In addition, in the period from 2000 to 2007, there were 90 cases of children who were reported to have been abducted by AUC. The whereabouts of 16 of those children was still unknown as of

January 2008. According to official statistics, the number of child abduction cases decreased in 2008 compared with previous years; however, it is important to note that this type of violation also remains underreported.

41. In July 2008, 18 people, including 2 boys aged 1 and 5 years, were abducted by FARC-EP in the department of Chocó. In November 2008, FARC-EP attempted to abduct a 3-year-old girl and, in the department of Antioquia, threatened 15 families with death for collaborating with the national army, resulting in those families being forcibly displaced.

42. Children also continue to be victims of enforced disappearances. Since 2006, the Attorney-General's Office located in clandestine graves the bodies of 109 children, mainly victims of paramilitary groups. In addition, the Attorney-General's Office is investigating 1,636 cases of children who have disappeared since 2000, 187 of which took place in 2008.

E. Attacks on schools

43. Attacks on schools by illegal armed groups, which are frequent in various locations in Colombia, have a severe impact on the physical well-being and education of children. However, there is no systematic information as to the number of schools that have been attacked or occupied.

44. At times, schools may be attacked by illegal armed groups in retaliation for a previous occupation by the Colombian armed forces. For example, in June 2008, FARC-EP launched explosives into a school in the municipality of Puerto Asís in the department of Putumayo, damaging the school. In the days prior to the attack, members of the national army had camped in the school premises.

45. Anti-personnel mines and explosive ordnance, which are often left behind in and around schools, continue to put children at risk. According to the information provided by the Presidential Programme for Integrated Mine Action, six accidents involving anti-personnel mines and unexploded ordnance took place near schools during the reporting period. In March 2008, anti-personnel mines that had been placed near a school in the municipality of San Luis, department of Antioquia, detonated and destroyed the school building.

46. Teachers are also targeted by illegal armed groups. According to the Colombian Federation of Teachers, 15 educators were killed in 2008. In June 2008, four teachers accused of being informants were kidnapped and subsequently killed by FARC-EP in the department of Nariño. This led to the cancellation of classes, affecting 500 children. In July 2008, in the department of Cauca, a teacher and several students were threatened for allegedly being informants for the national army.

47. Several cases of occupation of schools by the national armed forces were confirmed during 2008. For example, one school in the municipality of Montaña, in the department of Caquetá, was occupied by members of the national army in June. Days later, a confrontation between the national army and FARC-EP caused serious damage to the same school. In the municipality of Tulúa, Valle del Cauca, the national army occupied three schools within the municipality.

F. Denial of humanitarian access for children

48. Restrictions of humanitarian access owing to the actions of parties to the conflict jeopardize the delivery of humanitarian assistance, thus affecting children. The presence of anti-personnel mines and unexploded ordnance seriously hampers not only the movement of populations but also the access of humanitarian actors to those populations. For example, in February 2008, in the municipality of Samaniego, department of Nariño, the movement of 3,000 persons from various communities was reported to have been restricted owing to anti-personnel mines planted by ELN. The population, including children, faced severe food shortages, and local schools were forced to close. Demining activities were undertaken by the national armed forces in several communities, but fear among the population of being targeted by illegal armed groups led to the displacement of at least 151 people, 69 of whom were children, according to local authorities.

49. Attacks against humanitarian personnel also took place during the reporting period. According to the International Committee of the Red Cross, attacks on medical missions increased from 23 cases in 2007 to 35 cases in 2008. In December 2008, a vehicle of the Colombian Institute of Family Welfare was targeted by FARC-EP in Campo Hermoso, department of Caquetá, resulting in the death of two civil servants and injury to three other persons.

50. Clashes between illegal armed groups and the national armed forces also restrict humanitarian access and the supply of essential goods. For example, in July 2008, in the municipality of Alto Baudó, department of Chocó, humanitarian access to 4,000 indigenous persons was hampered owing to armed confrontations between the national army and FARC-EP. In the first quarter of 2008, there were reports that 10 children in the municipality of Bagadó, department of Chocó, had died owing to the crisis aggravated by food shortages resulting from constant clashes between illegal armed groups and the national army.

51. Information was also received on access restrictions imposed by the national armed forces to certain villages or municipalities, including for the movement of persons and goods, such as food, medicine and fuel, as part of a strategy to combat illegal armed groups. For example, since January 2008, the national armed forces have limited the passage of essential goods to various villages in the municipality of El Dovio, department of Valle del Cauca. Similar restrictions were confirmed by the Office of the Human Rights Ombudsman in the department of Vaupés in May 2008.

IV. Measures undertaken by national authorities to address violations against children

52. Colombia has ratified: the Convention on the Rights of the Child and its two Optional Protocols; International Labour Organization Conventions 138 and 182 on the minimum age for employment and combating the worst forms of child labour; the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption; the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the United Nations Convention against Transnational Organized Crime; the Geneva Conventions of 1949 and their Additional Protocols of 1977; and the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-personnel Mines and on Their Destruction (Ottawa Convention). Colombia has also signed the Principles and

Guidelines on Children Associated with Armed Forces or Armed Groups and has incorporated the Guiding Principles on Internal Displacement into its Constitution.

53. Colombia also ratified the Rome Statute of the International Criminal Court, adopting the transitional provision under which, for a period of seven years after its entry into force for Colombia, the jurisdiction of the Court will not apply in respect to war crimes, including child recruitment. The transitional provision ends in November 2009.

54. At the national level, the Colombian Constitution recognizes the priority of children's rights. The new Code (Law) on Children and Adolescents, which entered into force in May 2007, represents a significant advance, as it embraces the principles of the Convention on the Rights of the Child and defines responsibilities for the protection of children at both the national and local levels.

55. The Government has established a robust public policy framework for the inclusion of child rights in municipal and departmental development plans, including in the area of protection. To guarantee the integrated protection of children, the National System for Family Welfare was created, bringing together all the governmental institutions with responsibilities related to children and families, coordinated by the Colombian Institute of Family Welfare. In addition, the Public Ministry has assumed a key role in making visible the impact of conflict on children's rights.

56. In the context of the responsibilities that the new Code on Children and Adolescents assigns to local government, in 2008, Governors from across the country, at their sixth Summit on the theme "Facts and rights, municipalities and departments or children" and focused on child protection issues, including child recruitment, anti-personnel mines and unexploded ordnance, and child displacement. At the summit, Governors committed themselves to developing strategies and allocating funds to address those concerns.

57. The Office of the Human Rights Ombudsman has developed an early warning system, which monitors and flags imminent risks of violations of human rights against civilian populations, including children. Once the Office of the Ombudsman issues a risk report, an inter-institutional committee, led by the Ministry of the Interior and Justice and comprising the vice-presidency, the Ministry of Defence, the Ministry of the Interior and Justice, the national army and the national police, assesses the necessity of issuing an early warning and defines actions that different institutions must undertake to prevent such violations. In 2008, the early warning system identified 71 risk situations in 145 municipalities of the country, 66 per cent of which were related to child recruitment. However, not all risk reports lead to an early warning. According to the Office of the Ombudsman, out of the 71 risk situations identified, the inter-institutional committee ordered concrete action to prevent violations in 50 per cent of the cases. In cases where no early warning is issued, the Committee makes recommendations for specific measures to be undertaken by relevant authorities.

58. As a preventive measure, the national armed forces are planning, with the support of the United Nations, capacity-building activities on children's rights, particularly on the six grave violations against children.

59. Positive efforts have been undertaken, such as the formation of a Special Investigative Unit for Women, Adolescents and Children, within the Attorney-General's Office. According to information provided by the Government, as of

December 2008 the special unit had conducted investigations in 141 cases involving 634 child victims, 485 boys and 149 girls. Three guilty verdicts had been handed down as of December 2008.

60. Within the framework of the Justice and Peace Law, 2,133 child victims have been identified, including 111 homicides, 20 enforced disappearances, 2 cases of sexual violence, 7 kidnappings, and 1,320 displacements. Out of the 3,284 former members of AUC who currently participate voluntarily in the depositions provided for by that Law, 23 so far have confessed the recruitment and use of a total of 654 children within their ranks, and the Attorney-General's Office is verifying 366 additional cases. However, less than 400 children were handed over in the collective demobilizations of AUC. As the handing over of children was an indispensable requirement for accessing benefits of this Law, it is important that the national authorities investigate whether the former commanders of AUC have fulfilled this requirement.

61. Despite those positive advances, impunity for grave violations against children, as well as obtaining consolidated information and following-up on convictions and proceedings, remain major challenges in Colombia.

62. A solid legal and institutional framework has been developed to provide assistance to the internally displaced population, bringing together numerous institutions under a national system for their protection and assistance. While significant budgetary allotments have been made, amounting to nearly $500 million in 2008, only 0.11 per cent of those resources are directed specifically to prevention programmes. In addition, there are also significant gaps between public policies adopted at the central level and their effective implementation at the local level.

63. The Government has made advances in the design and implementation of specific programmes to guarantee the effective fulfilment of the rights of internally displaced children to education, health and food, an initiative undertaken by the Ministry of Education, the Ministry for Social Protection and the Colombian Family Welfare Institute. However, a more comprehensive and coordinated approach is still required in this regard.

64. In October 2008, the Colombian Constitutional Court issued its Order 251 to follow up on its judgement T-025 regarding the protection of the fundamental rights of displaced children. In response, the Government is currently implementing 15 pilot projects for the prevention of child displacement and the provision of assistance to those who are displaced, which will constitute the basis for the formulation of a National Programme on Differential Protection of Forcibly Displaced Children and Adolescents.

A. Prevention of child recruitment and reintegration of children separated from illegal armed groups

65. In December 2007, responding to the magnitude of the problem of child recruitment, the Government created the Inter-sectorial Commission for the prevention of recruitment and the use of children by illegal armed groups, which is

chaired personally by the Vice-President.[1] The Commission has an important role in coordinating the actions of 10 governmental institutions, each of which has responsibilities in the prevention of recruitment. In 2008, the Commission provided technical support to authorities and communities in 50 municipalities in 26 departments. As a result, 40 municipalities and 2 departments have adopted specific action plans to prevent child recruitment.

66. The Government has gradually improved its capacity to prevent and respond to the issue of child recruitment. In 1999, the Colombian Institute of Family Welfare began a programme to assist children separated from illegal armed groups, providing specialized care through three modes of intervention: institutional, socio-familiar, and the protection network system. The programme has reduced the number of children assisted in institutions to 52 per cent as of December 2008 from 62 per cent in November 2006. The programme has also developed actions for the prevention of child recruitment. The programme is voluntary and covers all requests for assistance. Some children who separate from illegal armed groups, however, are not aware of their rights to benefit from the programme.

67. By December 2008, the programme had assisted 3,876 children separated from illegal armed groups, of whom 2,146 had been separated from FARC-EP, 1,042 from AUC, 538 from ELN and 150 from other groups. Of that number, 73 per cent were boys and 27 per cent were girls.

68. During the reporting period, information from the Colombian Institute of Family Welfare indicated that a total of 314 children had been separated from FARC-EP, 65 from ELN and 13 from the Ejército Revolucionario Guevarista. In addition, 23 children had been separated from other groups, including the Autodefensas Campesinas Nueva Generación, Aguilas Negras, ERPAC and Rastrojos. In August 2008 in Chocó, the Ejército Revolucionario Guevarista handed over 7 children to the Colombian Institute of Family Welfare. The number of children separated from illegal armed groups was greater in 2008 than in 2007 and 2006.

69. After the demobilization of AUC, the Colombian Institute of Family Welfare, with the support of UNICEF, contributed to identifying and assisting children separated from AUC. As noted previously, however, it is believed that many children separated from AUC have not gone through any formal process of reintegration.

70. Under the Justice and Peace Law, the release and handover of children was a prerequisite for accessing benefits. According to the Colombian High Commissioner for Peace, 391 children were handed over in the process of collective demobilizations of AUC. A total of 32,000 adults were demobilized from AUC, and some estimates by child protection actors suggest that approximately 20 per cent of the total number of AUC combatants were under the age of 18. Thus, the number of children formally handed over is considered to be relatively low. There is credible information that a considerable number of children were not handed over by their

[1] Decree 4690, 2007. The Commission is chaired by the Vice-presidency, and includes the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Interior and Justice, the Ministry of Social Protection, the Ministry of Education, the Senior Counsellor for Social Integration, the Senior Counsellor for Social Action, the Colombian Institute of Family Welfare and the Presidential programme Colombia Joven, which serves as the technical secretariat.

commanders and therefore have not gone through a formal process of demobilization. An additional 648 children from AUC were demobilized on an individual basis from 1999 to 2008.

71. The Colombian Institute of Family Welfare also assists children from the groups that emerged after the demobilization of AUC. However, as the Government considers those groups to be criminal gangs, the children from those groups cannot access the measures of integrated reparation available for children separated from guerrilla groups or from AUC. The Ministry of the Interior and Justice has stipulated that such children are entitled to administrative compensation as a measure of reparations for victims of violence.

72. According to the established legal framework, children associated with illegal armed groups are considered to be victims. Nevertheless, they can also be regarded as perpetrators of crimes. Prosecutors can apply the principle of discretion that is contemplated in the new Code on Children and Adolescents to bring to an end criminal proceedings against those children. However, there is no obligation to apply such a principle.

B. Sexual violence

73. Despite advances such as Law 1257 on Violence against Women, legislation on sexual violence against children still requires strengthening in order to address the issues of prevention, protection and assistance to victims. Criminal legislation on sexual violence includes forced pregnancy and forced sterilization as acts of genocide, but not as independent crimes. In addition, further effort is required to ensure that internationally agreed standards regarding confidentiality, evidence and protection of victims of sexual violence are observed.

74. The Government has developed specific programmes, such as the National Plan for the Eradication of Sexual Exploitation and the "Haz Paz" programme of the Colombian Institute of Family Welfare and has recently put in place an inter-institutional committee for the purpose of preventing sexual violence and drawing attention to child victims of sexual abuse. Further action is needed, however, to increase coordination among entities with responsibilities in this regard and to ensure an appropriate approach designed specifically for child victims of sexual violence in the context of conflict.

75. In addition, in compliance with Order 092 of the Constitutional Court, the Government has completed the design of a programme for the prevention of sexual violence against displaced women and girls and the provision of assistance to victims of gender-based violence.

C. Integrated mine action

76. The Government has also established an institutional framework through the National Inter-sectorial Commission and the Presidential Programme for Integrated Mine Action. The programme assigns responsibilities and funding to different State entities to carry out demining programmes.

77. Only the national armed forces are authorized to carry out demining activities. To date, the focus has been on clearing the 34 areas mined by the national armed

forces prior to the ratification of the Ottawa Convention. As of December 2008, 19 minefields had been cleared. Additionally, the Presidential Programme determines the priorities for humanitarian emergency demining of areas required for community use. However, according to the Presidential Programme for Integrated Mine Action, no more than five areas for community use have been demined since 2007, three of which were cleared during reporting period.

78. Civilian casualties remain underreported. The International Committee of the Red Cross estimates that in some areas they could be 30 per cent higher than recorded. The 2008 report of the Government on the progress made in compliance with the Ottawa Convention acknowledged that survivors of detonations of mines and unexploded ordnance, including children, have limited access to specialized assistance and that they lack awareness of their rights. While the institutional capacity to manage health and other services is good in the main urban centres, there are serious deficiencies, especially in rural areas, where the majority of the accidents take place. Some specialized non-governmental organizations and international organizations contribute to filling the gaps in the provision of services.

79. Mine-risk education activities are still conducted largely by State institutions and non-governmental organizations on an ad hoc basis. Attempts to coordinate efforts and to standardize approaches are under way. Authorities emphasize the training of community education agents through special courses endorsed by the Presidential Programme, which are implemented by the National Learning Service (Servicio Nacional de Aprendizaje). There remain vast areas of the country which have not received basic information on protection from the risk of landmines.

D. Integrated reparation to children

80. In recent years, the Colombian State has taken positive steps towards the provision of reparation for victims. The implementation of reparation measures is especially challenging as it is taking place in the context of continued violence. The Justice and Peace Law established related provisions and created the National Commission for Reparation and Reconciliation with an 8-year mandate. While the Commission has a designated department for gender and populations, the specific focus on children needs to be strengthened in all units of the Commission.

81. Given that judicial reparations had not been as efficient as anticipated, in April 2008 the Government issued Decree 1290, which established reparation of victims through an administrative process. The Decree focuses principally on compensation as a reparation measure, but it covers neither violations that occurred following its adoption nor victims of State agents. Other mechanisms are therefore required to ensure that benefits are made available to all victims, including children, without discrimination. Similar concerns arose regarding a draft law known as "the Statute of Victims", which is currently under consideration in Congress. The draft law has a specific chapter that concentrates on measures favouring children who are the victims of forced displacement, anti-personnel mines and recruitment, or who are orphans. It is imperative, however, that all child victims of any violation have access to reparation. Children should also have appropriate opportunities to participate in the design of programmes and, among other measures, wide awareness-raising campaigns should be implemented to encourage all child victims to access reparation programmes.

V. Recommendations

82. **All parties are called upon to abide by applicable international law and to comply as a matter of priority with the resolutions of the Security Council on children and armed conflict and to halt the grave violations against children for which they have been cited. The Government of Colombia is also called upon to comply with the recommendations of the Committee on the Rights of the Child and the Office of the United Nations High Commissioner for Human Rights, as well as the recommendations made by States within the Universal Periodic Review and recommendations made by the special procedures established by the Human Rights Council, as they relate to children affected by armed conflict.**

83. **The continued recruitment and use of children by illegal armed groups is a critical concern, and the parties are called upon to comply with no further delay with international law and the provisions of Security Council resolutions on children and armed conflict and to prepare and implement action plans to ensure that no children are recruited and that all children associated with armed forces or groups in any capacity are immediately identified and released. All parties should also make and implement specific commitments and prepare action plans, as appropriate, to address other grave violations for which they have been cited.**

84. **I commend the efforts of the Government to address the recruitment and use of children by illegal armed groups, and the authorities are urged to continue efforts to develop a comprehensive national policy for the prevention of child recruitment and also to strengthen community-based reintegration and family reunification programmes.**

85. **The Government is urged to ensure that the national armed forces comply fully with the prohibitions against the use of children for military intelligence purposes and the interrogation of children who have been separated from illegal armed groups. Such children should be handed over to the civilian authorities as soon as possible after their separation and within the time limit stipulated under law.**

86. **Illegal armed groups are urged to stop the use of anti-personnel mines, which cause the death and maiming of significant numbers of children.**

87. **I am deeply concerned at the continued rape and other forms of sexual violence, in particular against girls, that is perpetrated mainly by illegal armed groups. I call upon them to make commitments and prepare and implement action plans to prevent such violence. The Government is urged to place emphasis on the investigation and prosecution of perpetrators and to strengthen prevention and response strategies.**

88. **I am concerned at the attacks against and occupation of schools by parties to the conflict and call upon them to cease such actions and to facilitate unhindered and safe access for child protection and humanitarian personnel.**

89. **The Government is urged, in the context of national legislation, including the Justice and Peace Law, to further enhance efforts to combat impunity for grave violations committed against children. This measure should include the timely, rigorous and systematic investigation and prosecution of all such crimes**

and the sharing of information on follow-up of cases. I also encourage the effective protection of child witnesses and victims and provision of reparations, as appropriate.

90. **The cases of extrajudicial executions of children are a grave concern, and the Government is called upon to implement, as a matter of priority, measures to eliminate that practice.**

91. **The Government is urged to ensure that humanitarian demining programmes are in line with international standards, that appropriate attention is afforded to child victims, and that mine-risk education programmes are in place.**

92. **I am concerned at the linkages among child recruitment, sexual violence, the presence of landmines and the problem of internal displacement in Colombia which affect larger numbers of children. The Government is urged to ensure a more comprehensive approach for the provision of assistance and the implementation of programmes for the prevention of child displacement, with particular emphasis on its causes.**

93. **The Government is also urged to consider curtailing the involvement of children in civil-military activities that may place them at risk of retaliation by illegal armed groups.**

94. **Recognizing that the protection of children is best served by peace, all parties are called upon to strive for a peaceful resolution of the conflict and, in the context of any future negotiations with illegal armed groups, the Government is urged to include specific provisions for the protection of children in consequent agreements, including the unconditional release of all children.**

95. **The donor community is invited to provide additional support to national programmes and initiatives that enhance the protection of children and also to support the initiatives of United Nations agencies and non-governmental organizations, including for more effective monitoring and advocacy, and other child protection programmes.**

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Letter dated 27 August 2009 from the President of the Security Council addressed to the Secretary-General

In my capacity as President of the Security Council, I am forwarding to you a letter dated 12 August 2009 from the Chairman of the Security Council Working Group on Children and Armed Conflict established by Security Council resolution 1612 (2005), based on the Working Group's conclusions adopted on 1 July 2009 (S/AC.51/2009/1) (see annex).

(*Signed*) Philip **Parham**
for John Sawers
President of the Security Council

09-49904 (E) 020909

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Annex

Letter dated 12 August 2009 from the Chairman of the Working Group on Children and Armed Conflict addressed to the Secretary-General

On 19 December 2008, the Working Group on Children and Armed Conflict, established by Security Council resolution 1612 (2005), examined your report on children and armed conflict in Afghanistan (S/2008/695). Following its meeting on 1 July 2009, the Working Group adopted its conclusions on the parties to the armed conflict in Afghanistan (S/AC.51/2009/1).

In follow-up to the recommendations of the Working Group, approved by the Security Council, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), I am entrusted, in my capacity as the Chairman of the Working Group, to welcome your call upon the country-level Task Force on Monitoring and Reporting to present a plan on ways and means to interface with Government, international military forces and other relevant parties to extend the monitoring and reporting mechanism mandated by Council resolutions 1539 (2004) and 1612 (2005) to all conflict areas of Afghanistan, in order to allow full monitoring of parties committing violations against children and prompt advocacy and effective response to all violations and abuses committed against children.

I also encourage you to strengthen the efforts of the United Nations country team to bring the Task Force on Monitoring and Reporting to its full capacity in order to ensure that accurate, objective, reliable and comprehensive information is collected and communicated on the violations and abuses committed against children.

I would like to request you to continue to allocate human and technical resources to ensure that all children affected by conflict in all regions are covered under the monitoring and reporting mechanism, as well as to explore ways to ensure that the United Nations country team works in close consultation with the Government of Afghanistan and the international military forces in order to support their efforts to minimize civilian casualties, in line with international humanitarian law.

I would ask you to address the importance of ensuring access for relevant organizations, as applicable, to all prisons and places of detention in Afghanistan, and ensuring that those organizations follow up, as appropriate, with the monitoring and reporting mechanism with regard to children detained because of their alleged association with armed groups; and to ensure as a matter of priority the continuous implementation of the Security Council's request for a child protection component in the United Nations Assistance Mission in Afghanistan, in particular through the appointment of child protection advisers in the Mission.

Furthermore, I would invite you to request the United Nations Development Programme, UNICEF and other relevant United Nations entities, within their respective mandates and in close cooperation with the Government of Afghanistan, to continue to address socio-economic issues, which will also contribute to addressing the welfare of children affected by armed conflict, including strengthening national institutions; and further to provide assistance in the

implementation of rehabilitation and reintegration programmes and to strengthen and protect the education system, in particular securing and rebuilding education facilities, including in conflict-affected areas.

Finally I would invite you to address the long-term effects of armed conflict on children by supporting the development of an adequate health-care system to facilitate their full recovery, including special attention to psychological care for all children affected by armed conflict, and appropriate health care and services for affected boys and girls.

(*Signed*) Claude **Heller**
Chairman of the Working Group on
Children and Armed Conflict

United Nations S/2009/436

Security Council

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31 August 2009

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Letter dated 27 August 2009 from the President of the Security Council addressed to the Secretary-General

In my capacity as President of the Security Council, I am forwarding to you a letter dated 12 August 2009 from the Chairman of the Security Council Working Group on Children and Armed Conflict established by Security Council resolution 1612 (2005), based on the Working Group's conclusions adopted on 1 July 2009 (S/AC.51/2009/2) (see annex).

(*Signed*) John **Sawers**
President of the Security Council

09-49910 (E) 040909

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Annex

Letter dated 12 August 2009 from the Chairman of the Working Group on Children and Armed Conflict addressed to the Secretary-General

On 24 February 2009 the Working Group on Children and Armed Conflict, established by Security Council resolution 1612 (2005), examined the report of the Secretary-General on children and armed conflict in the Central African Republic (S/2009/66). Following its meeting on 1 July, the Working Group adopted its conclusions on the parties to the armed conflict in the Central African Republic (S/AC.51/2009/2).

In follow-up to the recommendations of the Working Group, approved by the Security Council, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), I am entrusted, in my capacity as the Chairman of the Working Group, to recall the presidential statement of the Security Council (S/PRST/2009/5), in which the Council welcomed your recommendation to establish a United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) and also to recall its request to ensure that child protection is properly addressed in the implementation of the Comprehensive Peace Agreement and the process of disarmament, demobilization and reintegration.

I also welcome your recommendation to your Special Representative for the Central African Republic and relevant United Nations entities to ensure that systematic dialogue is established between the United Nations and relevant parties to the conflict for the preparation of action plans to address the recruitment and use of child soldiers in the framework of Security Council resolution 1612 (2005).

I invite you to continue strengthening the Task Force on Monitoring and Reporting; to liaise, as appropriate, with national institutions as well as relevant non-governmental organizations and civil society networks to ensure effective collaboration and coordination of child protection activities; and to ensure, given the regional dimension of the crisis involving the Central African Republic, Chad and the Sudan and the grave implications for children, better information exchange and closer cooperation between respective United Nations country teams and peacekeeping missions on child protection issues; and take note with appreciation of the framework of collaboration currently being piloted between the UNICEF Child Protection Sections in the Central African Republic and Chad.

Likewise and bearing in mind the establishment of BINUCA, I invite you to designate as a matter of priority a child protection adviser and consider strengthening the child protection capacity of the new office. Also, I invite you to promote dialogue among relevant stakeholders' organizations aimed at enhancing child protection and prevention of child recruitment in the region, including cross-border issues; as well as to request the United Nations Development Programme, UNICEF and other relevant United Nations entities, within their respective mandates and approved resources and in close cooperation with the Government of the Central African Republic and the Peacebuilding Commission, to continue to address socio-economic issues as a matter of priority, to contribute to addressing the welfare of children affected by armed conflict by, inter alia, providing assistance to

improve the implementation of rehabilitation and reintegration programmes, and to strengthen the education system, including in conflict-affected areas.

Lastly, I invite you to highlight the need for enhanced capacity in child protection, including the capacity to protect children from killing, maiming, sexual violence, abduction and all other forms of violence, and ensure that it is taken into account and effectively implemented by BINUCA, the United Nations Mission in the Central African Republic and Chad and the African Union-United Nations Hybrid Operation in Darfur (UNAMID), in accordance with their respective mandates; and to consider addressing the long-term effects of armed conflict on children by supporting the development of basic services, including a health-care system to facilitate their full recovery, which would include adequate attention to psychological care for all children affected by armed conflict, in particular children with disabilities, and access to sexual and reproductive health services, in particular for victims of sexual violence.

(*Signed*) Claude **Heller**
Chairman of the Working Group on Children and Armed Conflict

United Nations S/2009/437

Security Council

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Letter dated 27 August 2009 from the President of the Security Council addressed to the Secretary-General

In my capacity as President of the Security Council, I am forwarding to you a letter dated 12 August 2009, from the Chairman of the Security Council Working Group on Children and Armed Conflict established by Security Council resolution 1612 (2005), based on the Working Group's conclusions adopted on 1 July 2009 (S/AC.51/2009/3) (see annex).

(*Signed*) John **Sawers**
President of the Security Council

09-49916 (E) 040909

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Annex

Letter dated 12 August 2009 from the Chairman of the Working Group on Children and Armed Conflict addressed to the Secretary-General

On 19 December 2008, the Working Group on Children and Armed Conflict, established by Security Council resolution 1612 (2005), examined the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2008/693). Following its meeting on 1 July 2009, the Working Group adopted its conclusions on the parties to the armed conflict in the Democratic Republic of the Congo (S/AC.51/2009/3).

In follow-up to the recommendations of the Working Group, approved by the Security Council, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolution 1612 (2005), I am entrusted, in my capacity as the Chairman of the Working Group, to remind you of the mandate of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to protect children as defined in Security Council resolution 1856 (2008), and to request you, with regard to the ongoing review of the MONUC mission, structure, civilian activities and deployment pursuant to that resolution, to continue to include adequate child protection capacity to implement resolution 1612 (2005).

I welcome the initiatives taken by MONUC in partnership with UNICEF to improve child protection, raise awareness and change behaviours regarding violations and abuses committed against children, inter alia, (a) the establishment with the Mixed Commission on Peace and Security of a process to provide assistance and facilitate the release of children under the Amani programme; (b) the launch of regional child protection working groups bringing together in one forum child protection actors and partners; (c) the development of an accelerated common action plan to combat sexual and gender-based violence and the appointment of a senior adviser and coordinator on sexual violence; and (d) the provision of technical support, advice and training to military prosecutors and military judicial police inspectors in the field of investigation and prosecution of grave violations and abuses committed against children.

I invite you to request the United Nations Development Programme, UNICEF and other relevant United Nations entities, within their respective mandates and approved resources and in close cooperation with the Government of the Democratic Republic of the Congo, to continue to address socio-economic issues as a matter of priority, to contribute to addressing the welfare of children affected by armed conflict by, inter alia, providing assistance to improve the implementation of rehabilitation and reintegration programmes, and to strengthen the education system, including in conflict-affected areas; as well as to consider addressing the long-term effects of armed conflict on children by supporting the development of a health-care system to facilitate their full recovery, including adequate attention to psychological care for all children affected by armed conflict, and access to sexual and reproductive health services, in particular for victims of sexual violence.

Finally, I also remind you of the request in Security Council resolution 1857 (2008) that MONUC share information with the Group of Experts established

pursuant to resolution 1533 (2004), especially on the support received by armed groups, on recruitment and use of children and on the targeting of women and children in situations of armed conflict.

(Signed) Claude **Heller**
Chairman of the Working Group on
Children and Armed Conflict